

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

AUGUSTINE CABELLO,  
JUSTIN N. EMERSON and  
DANIEL K. MARSDEN,

Defendants.

CASE NO.CR06-5506RBL

ORDER GRANTING  
CONTINUANCE OF  
TRIAL DATE

Defendant Marsden moves to continue the trial date. Co-defendants, Justin Emerson and Augustine Cabello do not object and have filed speedy trial waivers and the government does not object to the requested continuance. For the reasons stated in the motion and the response the motion is GRANTED and the Trial Date is **CONTINUED to JANUARY 16, 2007 at 9:00 a.m.**

In view of the foregoing, the court finds and rules as follows:

1. Failure to grant a continuance in this matter would deny the defense the reasonable time necessary for effective preparation taking into account the exercise of due diligence. Title 18 U.S.C. §3161(h)(8)(B)(iv).
2. The ends of justice served by granting the requested continuance outweigh the interest of the public and the defendant in a speedy trial. Title 18 U.S.C. §3161(h)(8)(A). The period of delay resulting from this continuance from **DECEMBER 11, 2006 to JANUARY 16, 2007** is excluded

1 for speedy trial computation purposes under 18 U.S.C. § 3161(h)(8)(A) and (B) as this is a  
2 reasonable period of delay.  
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4 **ACCORDINGLY:**

5 The Jury Trial is **CONTINUED** to **JANUARY 16, 2007 at 9:00 a.m.**

6 The Motion Hearing, if needed, is scheduled for **JANUARY 4, 2007 at 9:00 a.m.**

7 The Motions Cutoff date is extended to **NOVEMBER 27, 2006.**  
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9 IT IS SO ORDERED this 1st day of November, 2006.  
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11 RONALD B. LEIGHTON  
12 UNITED STATES DISTRICT JUDGE  
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